United Nations CRC/C/OPSC/AGO/CO/1

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Angola under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

I. Introduction

1. The Committee considered the report of Angola (CRC/C/OPSC/AGO/1) at its 2287th and 2288th meetings (see CRC/C/SR.2287 and 2288), held on 16 May 2018, and adopted the present concluding observations at its 2310th meeting, held on 1 June 2018.

2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPSC/AGO/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined fifth to seventh periodic reports submitted by the State party under the Convention (CRC/C/AGO/CO/5-7) and on the report of the State party submitted under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/AGO/CO/1), both adopted on 1 June 2018.

II. General observations

Positive aspects

4. The Committee notes with appreciation the State party's ratification of or accession to:

(a) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2014;

(b) The Protocol on Employment and Labour of the Southern African Development Community, in 2014;

(c) The United Nations Convention against Transnational Organized Crime, in 2013.

* Adopted by the Committee at its seventy-eighth session (14 May–1 June 2018).

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5. The Committee welcomes the various measures taken by the State party in areas relevant to the Optional Protocol, including the adoption, in 2014, of Law No. 3/14 on Crimes Underlying Money-Laundering, which contains articles on trafficking in women and children.

6. The Committee notes with appreciation the progress achieved in the creation of institutions and the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including the establishment of the Interministerial Commission to Combat Trafficking in Persons in 2014, the development of a child abduction alert system in 2017 and the adoption of the 2018 National Plan to Combat Trafficking in Persons.

III. Data

Data collection

7. The Committee welcomes the efforts of the State party's National Statistics Institute and Interministerial Commission to Combat Trafficking in Persons to standardize the collection of data on law enforcement efforts to combat trafficking in persons. It also notes the information provided by the State party that the Interministerial Commission did not report any court cases of trafficking in persons involving the sale of children, but that, as of March 2018, five investigations concerning the sale of children have been opened. The Committee is concerned that:

(a) Data on incidents of sale of children, child prostitution, child pornography and trafficking in children, which is a concept similar, but not identical, to the sale of children, are not collected and analysed in a systematic manner in the State party;

(b) A database on perpetrators of crimes against children does not exist, partly as a result of the reported resistance of the national police to sharing information contained in their national crime database with the Interministerial Commission to Combat Trafficking in Persons;

(c) An integrated information management system on child protection, with agreed indicators and procedures for data collection and management, does not exist.

8. **The Committee recommends that the State party:**

(a) **Develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment for all areas covered by the Optional Protocol, including sexual exploitation of children in the context of travel and tourism, with agreed child indicators and procedures;**

(b) **Disaggregate data by, inter alia, sex, age, nationality and ethnic origin, region and socioeconomic status, paying particular attention to children who are at risk of becoming victims, or who are victims, of crimes covered by the Optional Protocol;**

(c) **Systematically collect data on the profile of perpetrators of offences against children and the number of prosecutions and convictions, disaggregated by the nature of the offence, and step up efforts to establish a system of information-sharing among relevant government entities, including the Criminal Investigation Department, the Migration and Foreign Nationals Department, the National Institute of the Child, the national police force and the Interministerial Commission to Combat Trafficking in Persons, that complies with, inter alia, articles 16 (1) and 40 (2) (b) (vii) of the Convention, on the right of the child to have his or her privacy fully respected;**

(d) **Actively utilize the information collected for evidence-based programming, policy decision-making, impact assessments and the monitoring of progress on the implementation of the Optional Protocol, including to inform decisions on budget allocation.**

IV. General measures of implementation

Comprehensive policy and strategy

9. The Committee welcomes the existence of various policies and strategies relevant to the Optional Protocol, in particular the 2018 National Plan to Combat Trafficking in Persons and Presidential Decree No. 26/13 on the Executive Plan to Combat Domestic Violence 2012–2017, as well as planned regional research that was to precede major partnerships with the World Health Organization, the International Labour Organization and Terres des Hommes. The Committee is nevertheless concerned at the lack of a comprehensive plan and programmes addressing all issues covered under the Optional Protocol.

10. **With reference to its concluding observations on the Convention (see CRC/C/AGO/CO/5-7, para. 7), the Committee recommends that the State party:**

(a) **Carry out a study to analyse and evaluate the nature, extent, root causes, and consequences on children of the commission of the offences covered by the Optional Protocol in the State party;**

(b) **Develop a comprehensive strategy aimed at specifically addressing all issues covered under the Optional Protocol;**

(c) **Provide adequate human, technical and financial resources for the implementation of that strategy;**

(d) **In doing so, pay particular attention to the implementation of all provisions of the Optional Protocol, taking into account the outcomes of the world congresses against commercial sexual exploitation of children.**

Coordination and evaluation

11. While noting the State party's efforts to coordinate issues under the Optional Protocol, including through the National Institute of the Child, the Committee is concerned about the lack of effective cross-sectoral coordination that is necessary for the implementation of the Optional Protocol.

12. **With reference to its concluding observations under the Convention (see CRC/C/AGO/CO/5-7, para. 8), the Committee recommends that the State party ensure better coordination among the various agencies and committees working on child protection policies, including those under the Ministry for Social Action, the Family and the Advancement of Women, the Ministry of Justice and Human Rights, the National Institute of the Child, the National Directorate for Children, the National Observatory of the Situation of the Child and the National Council for Social Action, and consider establishing a mechanism at a high inter-ministerial level with a clear mandate and sufficient authority to coordinate, monitor and evaluate all activities related to the implementation of the Convention and its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict at the cross-sectoral, national, provincial and municipal levels.**

Dissemination and awareness-raising

13. The Committee welcomes the information that the State party's Ministry of Justice and Human Rights has published and distributed 1,000 copies of a book on children's rights in which the Convention and its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict are reproduced along with an explanatory commentary. However, it is concerned that the principles and provisions of the Optional Protocol are otherwise not sufficiently known to children and the general public.

14. **The Committee recommends that the State party:**

(a) **Disseminate more widely information about the offences covered by the Optional Protocol and about prevention measures among the general public, particularly among children in vulnerable situations, parents, caregivers and all relevant professional groups, as well as community and religious leaders, especially by involving the media in awareness-raising;**

(b) **Swiftly adopt a national strategy for human rights education, as recommended in the framework of the World Programme for Human Rights Education, and ensure that the principles and provisions of the Optional Protocol are prominently featured;**

(c) **Further strengthen and focus the academic content offered by the Ministry of Education to children to specifically address the issues covered by the Optional Protocol.**

Training

15. The Committee welcomes the training programmes for judges, prosecutors, law enforcement officials and correctional services officers implemented by the State party, including those provided with financial and technical assistance from the United Nations Children's Fund (UNICEF) and the European Union. However, the Committee is concerned that the measures taken are not systematic and do not adequately cover all offences under the Optional Protocol and that not all main actors responsible for the enforcement of the Optional Protocol have systematically received training on the Optional Protocol.

16. **The Committee recommends that all aspects, including offences, covered by the Optional Protocol be systematically included in the training of all relevant professional groups, in particular judges, prosecutors, law enforcement and immigration officers, social workers and investigators.**

Allocation of resources

17. The Committee is concerned about the lack of specific budget allocations as well as the inadequate monitoring of the implementation of the budget.

18. **With reference to its concluding observations on the Convention (see CRC/C/AGO/CO/5-7, para. 9), the Committee recommends that the State party ensure that sufficient and targeted resources are allocated for the effective implementation of all areas of the Optional Protocol, including by increasing the financial resources allocated to the child protection sector and ensuring equitable distribution of national resources to protect children who are especially vulnerable to the practice of the sale of children, child prostitution and child pornography.**

V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

Measures adopted to prevent offences prohibited under the Optional Protocol

19. The Committee notes the legislative and practical measures taken by the State party to prevent offences under the Optional Protocol, including the implementation of the social protection programme *Cartão Kikuia*, which is targeted at families living in extreme poverty and vulnerability, the adoption of resolution 28/16 condemning all forms of violence against children, particularly sexual violence, abuse, trafficking and exploitation, the adoption of Basic Law No. 17/16 of the Education and Teaching System, which requires the gradual extension of compulsory and free education to the first cycle of

secondary education (12–14 years of age), the National Action Plan "Education for All" 2013–2020 and the anonymous reporting page on the website of the national police. It is nevertheless concerned about:

(a) Persisting substantial social inequalities and extreme poverty, especially in rural areas, that disproportionately affect children and render them particularly vulnerable to offences covered by the Optional Protocol and to trafficking in persons;

(b) The low level of birth registration rates, with a considerable divide between urban and rural areas, resulting in difficulties establishing the age of children;

(c) Instances of exploitation of children in forced or hazardous labour, especially in the domestic work, mining, construction and agricultural sectors;

(d) The prevalence of cases of trafficking in children from and into neighbouring countries, in particular undocumented migrant children from the Democratic Republic of the Congo, for commercial sexual exploitation (in particular of girls) and for forced labour in diamond-mining districts, and of cases of boys trafficked for forced labour, in particular cattle herding;

(e) The failure to adopt effective and adequate prevention strategies, such as early identification of groups of children vulnerable to sale, prostitution and pornography, and to take adequate measures to address the root causes of the sale of children;

(f) The high number of orphans in the State party.

20. **The Committee recommends that the State party increase its preventive measures to address all areas covered by the Optional Protocol and in particular that it:**

(a) **Prioritize policies that emphasize prevention of the offences covered by the Optional Protocol, raise awareness among the general public and the most vulnerable and poor communities, including by providing information about the sanctions related to offences, and monitor and evaluate the effectiveness of such policies;**

(b) **Develop child-empowering prevention programmes to address the root causes and multiple vulnerabilities that place children, families and communities at risk and promote child protective social norms through community development projects, civil society organizations such as youth groups, faith-based organizations and the media, including social networks;**

(c) **Strengthen the referral and follow-up procedures, specialized mechanisms and procedures for the identification of children who are at risk of becoming victims, or who are victims, of offences covered by the Optional Protocol, in particular for children in vulnerable situations, such as children living in poverty and underdeveloped, in particular rural, areas, children affected by drought and famine, migrant, refugee and asylum-seeking children, in particular unaccompanied, separated or undocumented ones, children in street situations, child domestic workers and children from economically weak families and orphans, and their families;**

(d) **In doing so, cooperate with civil society organizations and community-based organizations and strengthen prevention programmes and the protection of potential victims, in particular girls;**

(e) **Seek technical support from UNICEF and other specialized agencies for more efficient community awareness and engagement in addressing the harmful practices, negative social norms and behaviours contributing to the commission of offences covered by the Optional Protocol and to child trafficking.**

Sexual exploitation of children in travel and tourism

21. The Committee welcomes that the State party approved, through joint decree, the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and

Tourism in 2010. However, the Committee is concerned about the prevalence of sexual exploitation of children in travel and tourism in the State party.

22. **With reference to its recommendations in the previous concluding observations on the Convention (see CRC/C/AGO/CO/2-4, para. 68), the Committee urges the State party to continue conducting advocacy with the tourism industry on the harmful effects of the sexual exploitation of children in travel and tourism, widely disseminate the World Tourism Organization's global code of ethics for tourism among travel agents and tourism agencies and continue to encourage operators in the travel and tourism industry to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. It also urges the State party to impose appropriate penalties on the perpetrators of sexual exploitation of children in travel and tourism.**

Measures to prevent and address online child sexual exploitation and abuse

23. The Committee notes the efforts of the State party, especially as indicated in its replies to the list of issues (see CRC/C/OPSC/AGO/Q/1/Add.1, para. 12), to address online child abuse materials. However, the Committee is concerned about the absence of an adequate legal framework and relevant information concerning cases of online child sexual exploitation and abuse.

24. **With reference to Human Rights Council resolution 31/7, entitled "Rights of the child: information and communications technologies and child sexual exploitation", and to the outcomes of the "We Protect" summits held in London in 2014 and in Abu Dhabi in 2015, the Committee recommends that the State party adopt a national response for preventing and addressing online child sexual exploitation and abuse, in close collaboration with relevant industries and organizations, consisting at a minimum of:**

(a) **A national policy to prevent and respond to online child sexual exploitation and abuse through an appropriate legal framework and a dedicated coordination and oversight entity with specific analysis, research and monitoring capabilities;**

(b) **A strategy for preventing online child sexual exploitation and abuse, including a public education programme to raise awareness and mandatory school education on online behaviour and safety, and for increasing knowledge and reporting of online child sexual exploitation and abuse offences; the participation of children in the development of policies and practices; industry engagement to block and remove online child sexual exploitation and abuse content, report incidents to law enforcement authorities and develop innovative solutions; close cooperation with organizations working to end child sexual exploitation online; and ethical and informed media reporting;**

(c) **Appropriate support services for children, including integrated services during investigation, prosecution and aftercare; trained professionals working with and for children; and accessible procedures for complaints, compensation and remedies;**

(d) **A dedicated, proactive, responsive and victim-focused criminal justice system with a trained police force, prosecution and judiciary; management of offenders to prevent reoffending, nationally and internationally; and a national database linked, through the National Central Bureau, to the International Criminal Police Organization (INTERPOL) International Child Sexual Exploitation image database.**

VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3) and 5–7)

Existing criminal or penal laws and regulations

25. The Committee welcomes the fact that Law No. 3/14 on Crimes Underlying Money-Laundering, which criminalizes all forms of trafficking, includes the offences of child trafficking for sexual purposes and child prostitution, and the fact that the Penal Code criminalizes child pornography, but expresses its concern that it only does so in relation to children up to the age of 16. The Committee is particularly concerned about the absence of legislation explicitly defining the offence of and criminalizing all forms of sale of children, an offence that is similar but not identical to trafficking in persons, as defined in articles 2 and 3 of the Optional Protocol. While noting that the Children's Act includes generally worded prohibitions obliging the State party to take special legal and administrative measures to prevent and punish the abduction or sale of or trafficking in children and to protect children against all forms of sexual abuse and exploitation, the Committee is concerned that they do not define elements of the crimes themselves, define penalties for perpetrators or provide references to other laws. The Committee is also concerned that the Penal Code does not criminalize the possession of child pornography.

26. **The Committee recommends that the State party define the offence of and criminalize the sale of children, in conformity with articles 2 and 3 of the Optional Protocol, whether such offences are committed domestically or transnationally or on an individual or organized basis, and that it not limit the definition to cases of trafficking in children. In particular, the State party should explicitly define the offences of and criminalize, including on the occasion of the current reform of the Penal Code as a whole:**

(a) **The sale of children through:**

(i) **Illegal adoption;**

(ii) **The transfer of organs of the child for profit;**

(iii) **The engagement of the child in forced labour;**

(b) **Child pornography, also in relation to children in the age bracket of 16 to 18 years;**

(c) **The mere possession of and the possession with the intent to produce, distribute, disseminate, import, export, offer or sell child pornography, and all conduct related to child pornography, in particular all online solicitation of children for sexual purposes, viewing or accessing child pornography and live streaming of child sexual abuse;**

(d) **Sexual exploitation of children in travel and tourism.**

Impunity

27. The Committee is concerned at reports of alleged impunity and the lack of precise and consistent information from the State party regarding the number of cases concerning offences under the Optional Protocol that are duly investigated and the number of perpetrators who are prosecuted and sentenced.

28. **The Committee recommends that the State party take all measures necessary to ensure that all cases of sale of children, child prostitution and child pornography are investigated effectively and that perpetrators are prosecuted and punished, with appropriate sanctions commensurate with the gravity of their crimes.**

Liability of legal persons

29. The Committee welcomes the inclusion of the liability of legal persons under Law No. 3/14 on Crimes Underlying Money-Laundering, and under the Penal Code. It is, however, concerned that the criminal laws of the State party do not cover all offences covered by the Optional Protocol.

30. **The Committee recommends that the State party, including on the occasion of the current reform of the Penal Code as a whole, incorporate explicitly into all relevant criminal legislation the liability of legal persons who participate in any of the offences covered by the Optional Protocol and establish legal sanctions commensurate with the seriousness of the crimes.**

Extraterritorial jurisdiction and extradition

31. The Committee, while welcoming the cooperation agreements between the State party and Brazil and Portugal, regrets the lack of legislation on extraterritorial jurisdiction over all offences covered by the Optional Protocol and that extradition is subject to dual criminality.

32. **The Committee recommends that the State party:**

(a) **Establish and exercise extraterritorial jurisdiction over all acts prohibited under the Optional Protocol when the alleged offender is an Angolan national or a person who has his or her habitual residence in Angola, or when the victim is an Angolan child;**

(b) **Take steps to remove the requirement of dual criminality for extradition in respect of offences covered by the Optional Protocol, include the offences covered by the Optional Protocol in all its future extradition agreements and consider using the Optional Protocol as a legal basis for extradition in respect of such offences in cases where there is no bilateral extradition treaty with the other country concerned.**

VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

33. The Committee welcomes the fact that the Children's Act provides for access to legal protection for child victims or witnesses of acts of violence, psychosocial support for such children, and the locating of such children when separated from their families, with the aim of reunification. The Committee also welcomes the operationalization of the "SOS Criança" help line for child victims of violence, of networks for the protection and promotion of the rights of the child, and of the juvenile court. It further welcomes the successful identification and referral of 40 victims of child trafficking in 2015. The Committee notes the intention of the State party to prepare a bill on special protection for victims and witnesses. The Committee is concerned, however, at the insufficient human, technical and financial resources for these measures, including for legal services.

34. **With reference to the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, the Committee recommends that the State party:**

(a) **Ensure in its legislation that child victims or witnesses of offences prohibited under the Optional Protocol are not revictimized and that video recordings of testimonies are made and systematically used and considered admissible in judicial procedures;**

(b) **Allocate sufficient human, technical and financial resources to ensure that all child victims have access to free or subsidized legal aid and support from child**

psychologists and social workers, ensure that appropriate procedures are in place for seeking, without discrimination, compensation and redress, and ensure that the best interests of the child are given primary consideration.

Recovery and reintegration of victims

35. The Committee takes note of the existence of child support centres in some provinces, which provide food, shelter, basic education and family reunification for child victims of crime, and the counselling services provided by the Ministry for Social Action, the Family and the Advancement of Women, alongside civil society organizations, for victims of gender-based violence, including children. It is however concerned at:

(a) The very limited availability of physical and psychological recovery and social reintegration services;

(b) The fact that most services are provided by and most centres run by non-governmental and faith-based organizations, with very limited support from the State party;

(c) The absence of procedures for the community-based care of children, the non-application of existing relevant protocols for the care of child victims involved in trafficking and the lack of harmonization of procedures for the identification and protection of child victims of trafficking.

36. **The Committee recommends that the State party:**

(a) **Integrate services and centres for the physical and psychological recovery and full reintegration of child victims into the support structures of the child protection system and provide the necessary human, technical and financial resources for their effective implementation;**

(b) **Strengthen public sector involvement in the development and monitoring of financial resources allocated to the delivery of services for children affected by offences covered by the Optional Protocol and support the activities of civil society organizations in this area;**

(c) **Define and harmonize procedures for the support of victims of offences covered by the Optional Protocol and ensure their application through the national, provincial and local structures of the child protection system and through community-based services.**

VIII. International assistance and cooperation (art. 10)

Multilateral, bilateral and regional agreements

37. **In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures and mechanisms for coordinating the implementation of such arrangements, with a view to making progress in respect of the prevention of offences covered by the Optional Protocol and the detection, investigation, prosecution and punishment of those responsible for any such offences.**

IX. Implementation and reporting

A. Follow-up and dissemination

38. **The Committee recommends that the State party take all appropriate measures to ensure that the report and the written replies to the list of issues submitted by the State party and the recommendations contained in the present concluding**

observations are fully implemented, including by transmitting them to the relevant ministries, parliament and national, provincial and local authorities for appropriate consideration and further action.

39. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the media, the public at large, civil society organizations, youth groups, faith-based organizations, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

B. Next periodic report

40. **In accordance with article 12 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.**